

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL CASE: 3:11cv63-RJC**

**CHARLES EVERETTE HINTON,**

**Plaintiff,**

**v.**

**DANIEL E. BAILY, FNU HUDSON,**

**Defendants.**

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**ORDER**

**THIS MATTER** comes before the Court on its own motion.

Plaintiff filed a pro se Complaint pursuant to 42 U.S.C. § 1983 (Doc. No. 1) and a Motion for Preliminary Injunction (Doc. No. 2) on February 2, 2011. On February 4, 2011, the Clerk of Court entered an Order directing Plaintiff to provide a certified copy of his prison trust fund account statement for the six month period immediately preceding the filing of the Complaint. (Doc. No. 3). Plaintiff was advised that federal law requires a plaintiff in a civil action to pay a filing fee of \$ 350.00, and that a certified copy of his trust fund account statement was necessary for the Clerk of Court to determine his ability to pay the entire amount of the fee in one payment or whether to assess monthly payments pursuant to 28 U.S.C. § 1915. (Id.). Plaintiff was notified that failure to comply with the Order by February 24, 2011 would result in dismissal of his case. (Id.).

As of the date of this Order, Plaintiff has neither provided the required trust fund statement nor paid the filing fee in this action. Therefore, Plaintiff's § 1983 Complaint shall be dismissed without prejudice, as shall his Motion for Preliminary Injunction.

**IT IS, THEREFORE, ORDERED** that Plaintiff's § 1983 Complaint (Doc. No. 1) and Motion for Preliminary Injunction (Doc. No. 2) are **DISMISSED** without prejudice.

**SO ORDERED.**

Signed: June 28, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

